

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

KEVIN J. MCNAMARA,
Plaintiff,

v.

WARDEN THERESA LANTZ, ET AL,
Defendants.

:
:
:
:
:
:
:

Civil No. 3:06-CV-93 (PCD)

RULING ACCEPTING AND ADOPTING RECOMMENDED RULING

Plaintiff asserts due process and equal protection violations arising from Defendants' failure to provide him methadone treatment while in pre-trial detention. Defendants moved for summary judgment, and the motion was referred to Magistrate Judge Joan Glazer Margolis for consideration and a ruling. Her decision was rendered on August 5, 2008. [Doc. No. 60] The Magistrate Judge granted summary judgment on the due process claim, finding no constitutional right to receive methadone treatment, and holding that Defendants' treatment of Plaintiff in accordance with Department of Correction medical protocols did not constitute deliberate indifference to Plaintiff's medical needs. The Magistrate Judge also granted summary judgment on Plaintiff's sex-based equal protection claim, on the basis that Plaintiff is not similarly situated to female inmates for purposes of this inquiry because he cannot become pregnant, and finding that there are legitimate reasons for Defendants' decision to provide methadone to female inmates but not to male inmates, including danger to the fetus during withdrawal absent methadone.

Three days after Judge Margolis issued her recommended ruling, Plaintiff filed a second "Objection to the Defendant's Motion for Summary Judgment" [Doc. No. 61], substantially duplicating the opposition he had filed prior to the issuance of the ruling [Doc. No. 55], but also

including a supplemental affidavit and amended Local Rule 56(a)(2) Statement purporting to change his answers to deny six statements which had previously been neither admitted nor denied, based on Plaintiff's lack of sufficient information. Plaintiff also filed a Motion for Reconsideration in light of the revised documents. [Doc. No. 62] Notwithstanding that the new affidavit was untimely, unsigned, and un-notarized, Judge Margolis nonetheless reviewed it and determined that the revised affidavit, which was the only source cited in support of the new denials in the Rule 56(a)(2) Statement, consisted of conclusory and speculative statements based on Plaintiff's beliefs rather than upon any new evidence. Therefore, in a seven page ruling issued on September 5, 2008, Magistrate Judge Margolis denied the Motion for Reconsideration. [Doc. No. 69]

The recommended ruling of the Magistrate Judge has been reviewed, as have Plaintiff's objections thereto. The Magistrate Judge's ruling fully, thoroughly and carefully considered both the facts of this case and the applicable law, and properly held that granting summary judgment to Defendants was appropriate. Accordingly, the recommended ruling of the Magistrate Judge [Doc. No. 60] is **accepted and adopted**. Defendants' Motion for Summary Judgment [Doc. No. 47] is **granted**, and judgment shall enter accordingly. Defendants' Motion to Compel Discovery [Doc. No. 48] is **denied as moot**.

SO ORDERED.

Dated at New Haven, Connecticut, this 16th day of September, 2008.

/s/
Peter C. Dorsey
United States District Judge